
TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #14-510

DIGEST

Amends [312 IAC 9-7-3](#) governing catfish. Amends [312 IAC 9-7-16](#) governing sport fishing on the Ohio River. Amends [312 IAC 9-8-2](#) governing commercial fishing for catfish except on the Ohio River. Amends [312 IAC 9-8-6](#) governing commercial fishing for catfish on the Ohio River. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 9-7-3](#); [312 IAC 9-7-16](#); [312 IAC 9-8-2](#); [312 IAC 9-8-6](#)

SECTION 1. [312 IAC 9-7-3](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-7-3](#) Catfish

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 3. (a) An individual must not take or possess a channel catfish, blue catfish, or flathead catfish from a river or stream unless the catfish is at least ~~ten (10)~~ **thirteen (13)** inches long. **Except as otherwise provided in subsection (d)**, an individual may take or possess an unlimited number of channel catfish, blue catfish, or flathead catfish from a river or stream.

(b) Except as otherwise provided in ~~subsection~~ **subsections (c) and (d)**, an individual may take or possess not more than ten (10) catfish in aggregate of any size from a lake or reservoir per day.

(c) Notwithstanding subsection (b), an individual may take channel catfish from Turtle Creek Reservoir (Sullivan County) without regard to a bag limit.

(d) Notwithstanding subsections (a) through (c), an individual may take no more than one (1) each per day of a:

- (1) channel catfish twenty-eight (28) inches in length or longer;**
 - (2) blue catfish thirty-five (35) inches in length or longer; and**
 - (3) flathead catfish thirty-five (35) inches in length or longer;**
- from a river, stream, lake, or reservoir.**

(Natural Resources Commission; [312 IAC 9-7-3](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Mar 15, 2013, 2:33 p.m.: [20130410-IR-312120403FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#))

SECTION 2. [312 IAC 9-7-16](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-7-16](#) Sport fishing on the Ohio River

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.

(b) An individual must not take ~~sport~~ fish except by any of the following:

- (1) Fishing pole or hand line.
- (2) Float fishing.
- (3) Setlines:

- (A) attached to:
(i) a tree limb;
(ii) a tree trunk;
(iii) a bank pole; or
(iv) the bank itself; and

(B) each bearing one (1) single or multibarbed hook.

(4) Not more than two (2) trotlines per individual. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines must be tended at least once every twenty-four (24) hours.

(c) An individual may take an exempted species of fish as defined in [312 IAC 9-6-10](#), by the methods prescribed in subsection (b) or according to the following methods:

(1) Long bow, including compound bow, or crossbow with an arrow having one (1) or more barbs and a line attached. An exempted species of fish without scales shall not be taken with bow and arrow or crossbow during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise).

(2) Giggling from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by giggling from a boat or platform.

(d) An individual must not take fish under this section by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) An individual must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(f) An individual must not take minnows from the Ohio River except by:

(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;

(2) a dip net not to exceed three (3) feet in diameter;

(3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (1/4) inch bar mesh;

(4) a cast net; or

(5) lawful fishing methods provided in this section.

(g) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	Not more than 4 fish can be 15 or longer
Rock bass	15	30	none
Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none
Catfish (blue, channel, and flathead)	none	none	13

(h) An individual may, by means of a fish spear, gig, spear gun, bowfishing equipment, crossbow, or underwater spear, take an Asian carp, sucker, carp, gar, bowfin, buffalo, or shad.

(i) Notwithstanding subsection (g), an individual may take no more than one (1) each per day of a:

(1) channel catfish twenty-eight (28) inches in length or longer;

(2) blue catfish thirty-five (35) inches in length or longer; and

(3) flathead catfish thirty-five (35) inches in length or longer.

(Natural Resources Commission; [312 IAC 9-7-16](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Aug 28, 2009, 3:39 p.m.: [20090923-IR-312080886FRA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 22, 2011, 1:13 p.m.: [20110323-IR-312100501FRA](#);

SECTION 3. [312 IAC 9-8-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-8-2](#) Commercial fishing except on the Ohio River; general provisions

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-13](#); [IC 14-22-14](#)

Sec. 2. (a) This section applies to license holders engaged in commercial fishing on inland water.

(b) For purposes of this section, "license holder" means an individual licensed under [IC 14-22-13](#) to use in, and to possess for use in, the water, seines, nets, or other commercial fishing gear authorized in this rule.

(c) A license holder may take or sell fish with a commercial fishing license issued under this rule and [312 IAC 9-6-11](#). A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder subject to this rule must not possess trout or salmon.

(e) A license holder must not possess or sell any of the following taken from the waters described in subsection (a):

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.
- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.
- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ~~ten (10)~~ **thirteen (13)** inches long.
- (25) Channel catfish less than ~~ten (10)~~ **thirteen (13)** inches long.
- (26) Flathead catfish less than ~~ten (10)~~ **thirteen (13)** inches long.
- (27) Lake whitefish less than eighteen (18) inches long.
- (28) Yellow perch.

(f) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches measured in accordance with [312 IAC 9-6-2\(b\)](#) only from October 1 through May 31 and only with a valid inland water roe harvester's license.

- (g) A license holder may take no more than one (1) each per day of a:**
(1) channel catfish twenty-eight (28) inches in length or longer;
(2) blue catfish thirty-five (35) inches in length or longer; and
(3) flathead catfish thirty-five (35) inches in length or longer.

~~(g)~~ **(h)** A license holder must report fish catches as follows:

(1) A license holder under this section shall keep accurate daily records on a departmental form of the following:

- (A) The pounds and species of fish caught.
- (B) The number of pieces of each type of gear fished by date.
- (C) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing will take place on inland water for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive. The license holder shall allow onboard and dockside inspections of the gear and catch at any time by a conservation officer or other authorized representative of the department.

(2) A license holder for Lake Michigan must comply with the reporting requirements of [IC 14-22-14-23](#) and section 3(h) of this rule.

(Natural Resources Commission; [312 IAC 9-8-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: [20070328-IR-312060262FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Jan 2, 2013, 3:42 p.m.: [20130130-IR-312120381FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#))

SECTION 4. [312 IAC 9-8-6](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-8-6](#) Commercial fishing on the Ohio River

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-13](#)

Sec. 6. (a) This section applies to license holders engaged in commercial fishing on the Ohio River as authorized under [IC 14-22-13](#).

(b) "License holder" means an individual licensed under [IC 14-22-13](#) to use in, and to possess for use in, the water:

- (1) seines;
- (2) nets; or
- (3) other commercial fishing gear.

(c) A license holder shall not take or sell fish except in accordance with [IC 14-22-13](#), this section, and [312 IAC 9-10](#). A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder under this section may take and sell all species of fish from the Ohio River except the following:

- (1) Largemouth bass.
- (2) Smallmouth bass.
- (3) Spotted bass.
- (4) Rock bass.
- (5) White crappie.
- (6) Black crappie.

- (7) Walleye.
- (8) Sauger.
- (9) Saugeye.
- (10) Striped bass.
- (11) White bass.
- (12) Hybrid striped bass.
- (13) Yellow bass.
- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.
- (21) Blue catfish less than thirteen (13) inches long.**
- (22) Channel catfish less than thirteen (13) inches long.**
- (23) Flathead catfish less than thirteen (13) inches long.**

(e) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches measured in accordance with [312 IAC 9-6-2](#)(b) only from October 1 through May 31 and only with a valid Ohio River roe harvester's license.

(f) A license holder may take and sell paddlefish that are at least thirty-two (32) inches measured in accordance with [312 IAC 9-6-2](#)(c) only from November 1 through April 30 and only with a valid Ohio River roe harvester's license.

(g) A license holder may take no more than one (1) each per day of a:

- (1) channel catfish twenty-eight (28) inches in length or longer;**
- (2) blue catfish thirty-five (35) inches in length or longer; and**
- (3) flathead catfish thirty-five (35) inches in length or longer.**

~~(g)~~ **(h)** A license holder under this section must tag each item of gear so that a conservation officer may determine if the:

- (1) gear is properly licensed; and
- (2) license holder is complying with the law.

~~(h)~~ **(i)** A person must not possess a seine, net, or commercial trotline except as authorized with a valid commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

~~(i)~~ **(j)** The use of commercial fishing gear authorized under this section is limited as follows:

- (1) Commercial fishing gear cannot be used on or within fifty (50) yards of a bay or inlet of the Ohio River denoted by a line drawn from point to point across the bay or inlet.
- (2) Commercial fishing gear cannot be used within fifty (50) yards of the mouth of a stream denoted by a line drawn from point to point across a stream at its farthest most downstream location at the existing water level or ordinary high watermark, whichever is lowest.
- (3) Commercial gear, except slat traps, cannot be used in the following locations:
 - (A) John T. Myers Dam downstream to the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
 - (B) Newburgh Dam downstream to the end of the outer lock wall.
 - (C) Cannelton Dam downstream to the end of the outer lock wall.
 - (D) McAlpine Dam downstream to the K and I railroad bridge.
 - (E) Markland Dam downstream to the end of the outer lock wall.

~~(j)~~ **(k)** The license holder must tend each item of fishing gear not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed immediately upon the completion of fishing.

~~(k)~~ **(l)** Gear is authorized only as set forth as follows:

(1) Lines and mesh must be made of:

- (A) linen;
- (B) cotton; or
- (C) a flexible synthetic fiber.

(2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:

- (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
- (B) Hoops may be any size, shape, or material.
- (C) The maximum length of the lead or wing is sixty (60) feet.
- (D) One (1) tag must be attached to the front hoop of each net.

(3) The following restrictions apply to a gill or trammel net:

- (A) The minimum bar mesh size that can be fished from November 1 through April 30 is four (4) inches.
- (B) The only bar mesh size that can be fished from May 1 through October 31 is from four (4) inches to four and one-half (4 1/2) inches.
- (C) The nets referenced in this subdivision may be fished weighted or as a flag net.
- (D) At least one (1) tag must be attached to the net for each one hundred (100) feet of net or part thereof.

(4) The following restrictions apply to a commercial trotline:

- (A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.
- (B) One (1) tag must be attached.
- (C) The trotline must be:
 - (i) not longer than three thousand (3,000) feet, including staging; and
 - (ii) fished separately rather than tied in a continuous line.

(5) The following restrictions apply to a seine:

- (A) A seine must have the following:
 - (i) A minimum bar mesh size of one (1) inch.
 - (ii) Both float and lead lines.
 - (iii) Wood, fiberglass, metal poles, or brails attached to each end.
- (B) A seine in the water must be attended by individuals pulling the seine through the water for the entrapment of fish.
- (C) A seine must have at least one (1) tag attached for each one hundred (100) feet of net or part thereof.

(6) The following restrictions apply to a slat trap basket:

- (A) No wire or other mesh may be added to the trap.
- (B) At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
- (C) The trap shall be not larger than two (2) feet in diameter or square end measure.
- (D) A tag must be attached to the open ring or square.

~~(h)~~ **(m)** A license holder must do the following:

(1) Keep accurate daily catch records on a departmental form of the following:

- (A) The pounds and species of fish caught by gear type.
- (B) The number of paddlefish and shovelnose sturgeon caught by gear type.
- (C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
- (D) The location fished by pool, river mile, and county.

(2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not unless the license holder has submitted an inactive license form to signify that no commercial fishing on the Ohio River will take place for the remainder of the calendar year. The inactive license form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.

(3) Allow on-board and dockside inspection of the gear and catch at any time by a conservation officer or other authorized representative of the department.

(Natural Resources Commission; [312 IAC 9-8-6](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: [20070328-IR-312060262FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Aug 28, 2009, 3:39 p.m.: [20090923-IR-312080886FRA](#); filed Jan 2, 2013, 3:42 p.m.: [20130130-IR-312120381FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#))

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